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*Attorneys for United Cook Inlet Drift Association and
Cook Inlet Fishermen's Fund*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED COOK INLET DRIFT
ASSOCIATION and COOK INLET
FISHERMEN'S FUND,

Plaintiffs,

v.

NATIONAL MARINE FISHERIES
SERVICE, et al.,

Defendants.

Civil Action No.: 3:21-cv-00255-JMK

**DECLARATION OF JASON
MORGAN IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR
AN AWARD OF FEES AND COSTS**

I, Jason Morgan, declare as follows:

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1. I am a partner in the law firm of Stoel Rives, LLP (“Stoel Rives”) and am based in the firm’s Seattle, Washington office. I am one of the attorneys representing Plaintiffs in this matter. I make this declaration in support of the application for an award of attorneys’ fees and costs filed by Plaintiffs United Cook Inlet Drift Association and Cook Inlet Fishermen’s Fund (“Plaintiffs”) pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d); Fed. R. Civ. P. 54(d); and L.Rs. 54.1, 54.2.

2. I am admitted to practice law, and am in good standing, in Washington, Alaska, and the District of Columbia. I am also admitted to practice in the federal district courts for the Districts of Eastern and Western Washington, the District of Columbia, the U.S. Courts of Appeal for the First, Fourth, Fifth, Seventh, Ninth, Tenth, and the District of Columbia, and the U.S. Supreme Court. I have been listed in *The Best Lawyers in America* (Environmental Law) since 2017. See Exhibit A for further details.

3. I am a member of Stoel Rives’ Environment, Land Use and Natural Resources Practice Group, which is a regional and national leader in federal environmental law. Our practice in environmental law, regulation, and natural resources includes more than 70 legal professionals dedicated to the practice of environmental law, with many decades of experience representing clients across a broad range of environmental compliance and litigation, including environmental litigation under the Magnuson-Stevens Fishery Conservation and Management Act (“MSA”) and National Environmental Policy Act (“NEPA”).

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4. Ryan Steen is a partner in Stoel Rives' Seattle, Washington office, and a member of the firm's Environment, Land Use and Natural Resources Practice Group. Mr. Steen has been admitted to practice for more than 18 years, and focuses his practice on environmental, natural resources, fisheries, and wildlife law. Mr. Steen represents clients in all stages of litigation in state and federal courts, and has extensive litigation experience involving the MSA, NEPA, and other federal environmental statutes and regulatory frameworks, including the representation of fishery groups and other trade associations in litigation related to federal agency rulemaking procedures and decisions. Mr. Steen serves as the Chair of the Permanent Advisory Committee, Western and Central Pacific Fisheries Commission, 2019–present (Member, 2015–2017), and has been listed in *The Best Lawyers in America* (Litigation—Environmental, Natural Resources Law) from 2015–2023, in *Washington Super Lawyers* since 2013, and was named by Best Lawyers as the Natural Resources Law “Lawyer of the Year,” Seattle, 2023. Mr. Steen has also served as a faculty member and speaker for numerous conferences and seminars in Alaska, Washington, Oregon, and Hawaii on a variety of environmental and natural resources law topics. *See* Exhibit B for further details.

5. Beth Ginsberg has practiced law for more than thirty years, and has extensive litigation experience involving the MSA, NEPA, and a number of other federal and state environmental and natural resource statutes and regulations, including the representation of fishery groups and other trade associations in litigation related to federal agency environmental rulemaking procedures and decisions. She was named by *Best United Cook Inlet Drift Association v. NMFS*, 3:21-cv-00255-JMK

Lawyers as Environmental Law “Lawyer of the Year,” Seattle, 2017, and Litigation-Environmental “Lawyer of the Year,” Seattle, 2014, 2016, and 2018. In the past, she has been Chair/Vice Chair for various committees of the American Bar Association Section on Environment, Energy, and Resources. She was elected to the Executive Committee of the Land Use and Environmental Section of the Washington State Bar Association from 2002 to 2005 and have been listed in *Washington Super Lawyers* (Environmental Litigation, Environmental), from 2003 through 2022. See Exhibit C for further details.

6. Ariel Stravitsky is an associate attorney in Stoel Rives’ Environment, Land Use and Natural Resources Practice Group with a focus on environmental and natural resource-related litigation and regulatory counseling. See Exhibit D for further details. Connor Smith is an associate attorney in Stoel Rives’ Anchorage office, and a member of the firm’s Litigation Practice Group with a focus on environmental and fisheries related litigation. See Exhibit E for further details. Ms. Stravitsky and Mr. Smith both graduated first in their law school classes, both externed before judges on the Ninth Circuit Court of Appeals during law school, and both completed judicial clerkships after law school. They both have been practicing for between 4 – 6 years, and a significant portion of both of their practices is environmental and fisheries litigation.

7. Plaintiffs retained Stoel Rives’ Environment, Land Use and Natural Resources Practice Group, and Ryan Steen, Beth Ginsberg and I in particular, to represent them in this litigation because the matter required distinctive knowledge and specialized expertise in federal environmental litigation involving the MSA and NEPA.

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Proficient representation of Plaintiffs in this matter required substantial knowledge of each relevant statute's regulatory scheme, comparable litigation experience, and the distinctive knowledge and technical ability to analyze agency decision documents and a complex administrative record consisting of thousands of pages.

8. Plaintiffs' application for an award of attorneys' fees is based on the number of hours worked and billing rates, by attorney and paralegal, as follows:

Jason T. Morgan	917.4 hours	\$520/hr – \$670/hr
Beth S. Ginsberg	31.4 hours	\$660/hr – \$730/hr
Ryan P. Steen	129.3 hours	\$570/hr – \$685/hr
Ariel H. Stravitsky	180.3 hours	\$315/hr – \$340/hr
Connor R. Smith	260.1 hours	\$300/hr – \$325/hr
Sarah Dronenburg (paralegal)	22.7 hours	\$250/hr

Stoel Rives' attorney rates are variable and subject to change, annually. The rates described above reflect such annual variation.

9. Based on my knowledge of the legal market for distinctive knowledge and specialized experience in environmental law, particularly environmental litigation involving the types of substantive issues presented in this case, Stoel Rives' billing rates are consistent with rates charged by other legal professionals similarly situated in this market and are appropriate given the nature and complexity of the work performed in this case. I am unaware of any law firm that could or would represent Plaintiffs in this matter

at the EAJA statutory rate of \$125/hour and provide a comparable level of service to that provided by Stoel Rives.

10. Stoel Rives typically bills its clients monthly, preparing comprehensive time records describing all tasks performed by attorneys and paralegals, and the time spent on each task. Such monthly invoices were regularly prepared for this matter and sent to Plaintiffs. These invoices were reviewed each month to ensure that the tasks and time reflected on them were described accurately and were necessary and reasonable.

11. Pursuant to L.Rs. 54.1 and 54.2, a detailed itemization of the fees and costs incurred on this matter through February 23, 2023 is provided in Exhibit F (fees) and Exhibit G (costs). Exhibits F and G are not copies of the invoices provided to Plaintiffs by Stoel Rives. However, they accurately reflect the time and tasks spent and the costs incurred by Stoel Rives attorneys for Plaintiffs on this matter. The task descriptions in Exhibit F are based on the descriptions contained in the invoices provided by Stoel Rives to Plaintiffs. I have redacted these descriptions, as they appear in Exhibit F, to ensure that they do not contain information that is protected by the attorney-client privilege or the attorney work product doctrine.

12. I have reviewed the fees and costs incurred and billed through February 23, 2023 on this matter and using independent judgment have deducted more than \$16,000 from the total, for any hours that were excessive or inadequately explained, to ensure that the fees and costs here requested reimbursement for are only those that were necessary and reasonable.

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13. The total amount of attorneys' fees accrued through February 23, 2023 by Stoel Rives on behalf of Plaintiffs that Plaintiffs seek recovery of in its application is \$786,716.50. The total amount of costs accrued through \$3,612.60 by Stoel Rives on behalf of Plaintiffs that Plaintiffs seek recovery of in its application is \$790,329.10. By filing its application for an award of attorneys' fees and costs, Plaintiffs do not waive their rights to collect fees and costs incurred after February 23, 2023.

I declare under the penalty of perjury under the laws of the United States of America and the State of Alaska that the foregoing is true and correct.

Executed on February 27, 2023, at Seattle, Washington.

/s/ Jason T. Morgan

Jason T. Morgan

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2023, I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court, District of Alaska by using the CM/ECF system, which will send notice of such filing to counsel of record.

/s/ Jason T. Morgan

Jason T. Morgan, AK Bar No. 1602010

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